

HOUR OF MEETING TO-MORROW.

Mr. MARTIN. I move that when the Senate adjourns to-day it adjourn to meet at 10 o'clock a. m. to-morrow.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 6176. An act extending the time for the construction of a bridge across the Monongahela River at or near the city of Fairmont, W. Va., was read twice by its title and referred to the Committee on Commerce.

H. R. 8496. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was read twice by its title and referred to the Committee on Pensions.

DEATH OF SENATOR JAMES H. BRADY.

Mr. BORAH. Mr. President, it becomes my painful duty to announce the death of my colleague, which took place in this city at his home yesterday at 6.30 p. m.

This is not the time, Mr. President, to enter upon a discussion of the life and services of Mr. BRADY. On some future day I shall ask the Senate to set aside a time to consider his life and public services.

For the present, Mr. President, I offer the following resolutions and ask for their consideration.

The resolutions were read, considered by unanimous consent, and unanimously agreed to, as follows:

Senate resolution 182.

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. JAMES H. BRADY, late a Senator from the State of Idaho.

Resolved, That a committee of 10 Senators be appointed by the Vice President to take order for superintending the funeral of the late Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The Vice President, under the second resolution, appointed the Senator from Idaho [Mr. BORAH], the Senator from New Hampshire [Mr. GALLINGER], the Senator from Utah [Mr. SMOOT], the Senator from Ohio [Mr. HARDING], the Senator from Wyoming [Mr. WARREN], the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Colorado [Mr. THOMAS], the Senator from Utah [Mr. KING], the Senator from Florida [Mr. FLETCHER], and the Senator from Kentucky [Mr. BECKHAM] as the committee on the part of the Senate.

Mr. BORAH. Mr. President, as a further mark of respect to the dead, I move that the Senate do now adjourn.

The motion was unanimously agreed to, and (at 12 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 15, 1918, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

Monday, January 14, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, source of all our longings, hopes, and aspirations, strengthen our arm of faith, that we may draw near to Thee, be inspired with brighter hopes, a deeper, purer love for Thee and our fellow men; that selfishness may depart, evil cease, and brotherly love prevail; that godliness may enrich the heart, the home, society, the Nation, wars vanish, and the world become a better dwelling place for all classes and conditions of men.

To the glory and honor of Thy Holy Name. Amen.

The Journal of the proceedings of Friday, January 11, 1918, was read and approved.

LEAVE OF ABSENCE.

Mr. BYRNS of Tennessee. Mr. Speaker, Mr. EVANS, of Montana, is detained at home this morning in his apartment on account of sickness. I want to ask that he be excused for a week on that account.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the gentleman from Montana [Mr. EVANS] be excused for one week on account of sickness. Is there objection?

There was no objection.

Mr. HAWLEY, by unanimous consent, at the request of Mr. SINNOTT, was granted leave of absence for an indefinite period on account of sickness.

By unanimous consent, at the request of Mr. LEVER, leave of absence was granted to Mr. WHALEY on account of serious illness of his brother.

LEAVE TO PRINT.

Mr. CANTRILL. Mr. Speaker, I ask unanimous consent to print in the Record a very brief statement from the New York Times relative to the meeting of the New York Bar Association on Saturday night, in which a statement appears from Mr. Hughes relative to the moral and eloquent leadership of President Wilson.

The SPEAKER. Is there objection to the gentleman's request?

Mr. WALSH. I object.

INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma. Mr. Speaker, I ask unanimous consent to file the report on the Indian appropriation bill at any time before 12 o'clock to-night, as if the House were in session.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to file the report on the Indian appropriation bill at any time before 12 o'clock midnight, whether the House is in session or not. Is there objection?

There was no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Kansas reserves all points of order on the bill.

WITHDRAWAL OF PAPERS.

The SPEAKER. The Chair lays before the House the following letter, which the Clerk will report.

The Clerk read as follows:

JANUARY 12, 1918.

Hon. CHAMP CLARK,

Speaker of the House of Representatives:

I hereby ask unanimous consent to withdraw from the files of the House, without leaving copies, the papers in the case of Mary M. Murray, no adverse report having been made thereon.

EDWARD E. BROWNE.

The SPEAKER. Without objection, the permission will be granted.

There was no objection.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROOT] is recognized for 30 minutes.

Before the gentleman begins, the Chair wishes to announce again that the easy way and the short way to get leave of absence is to write a slip out and give it to the Clerk. We will get through a heap quicker.

Mr. ASHBROOK. Mr. Speaker, I notice that every day Members submit requests to withdraw papers from the file room. I wonder why this is, when Members can go there and withdraw them.

Mr. CAMPBELL of Kansas. I understand the rule to be that if an adverse report has been made, the files can not be taken out. If an adverse report has not been made, the files can be taken out.

The SPEAKER. The gentleman from Illinois [Mr. MANN] expounded that question once, but I have forgotten the reason he gave.

Mr. FOSTER. They can not get the papers unless the bill to which they refer has already been introduced and is before the committee.

Mr. CAMPBELL of Kansas. I know what the prevailing and controlling reason is, that in the case of a bill on which an adverse report has been made the papers can not be taken from the files.

Mr. ASHBROOK. I would like to inquire if they can be withdrawn, even with the consent of the House, when an adverse report has been made?

Mr. CAMPBELL of Kansas. Not without leaving copies.

The SPEAKER. Is the answer of the gentleman from Kansas satisfactory?

Mr. ASHBROOK. It is partially so.

LEAVE TO ADDRESS THE HOUSE.

Mr. HAMLIN rose.

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. HAMLIN. I ask unanimous consent that I may address the House for not to exceed 30 minutes, when the gentleman from Wisconsin [Mr. LENROOT] shall have finished, on the subject of the war.

The SPEAKER. The gentleman from Missouri asks unanimous consent that at the conclusion of the remarks of the gentleman from Wisconsin [Mr. LENROOT] he be permitted to address the House for 30 minutes on the subject of the war. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, may I have the attention of the gentleman from North Carolina [Mr. KITCHIN]? I understand that after the speeches

scheduled for to-day there is going to be no other business before the House?

Mr. KITCHIN. We expect to adjourn out of respect to the memory of the late Senator BRADY from Idaho.

Mr. TREADWAY. Mr. Speaker, may I have five minutes before the gentleman from Missouri?

Mr. KITCHIN. I suggest to the gentleman from Missouri that he wait until to-morrow.

Mr. HAMLIN. At the suggestion of the gentleman from North Carolina, Mr. Speaker, I am perfectly willing to wait until to-morrow.

Mr. KITCHIN. The gentleman can get time on the Indian appropriation bill.

Mr. HAMLIN. If I can get it on the discussion of the Indian appropriation bill, I will withdraw my request.

The SPEAKER. Does the gentleman from Missouri withdraw his request?

Mr. HAMLIN. Yes; I withdraw my request.

The SPEAKER. Does the gentleman from Massachusetts [Mr. TREADWAY] desire to make any request?

Mr. TREADWAY. No, Mr. Speaker; I will defer my request as the gentleman from Missouri has done.

The SPEAKER. The gentleman from Wisconsin [Mr. LENROO] is recognized.

Mr. LENROO. Mr. Speaker, in the President's proclamation taking over the railroads for the duration of the war there is an assertion of power by him and attempted to be delegated to the Director General of Railroads which should receive the attention of Congress and the country. I refer to that paragraph of the proclamation reading as follows:

Until and except so far as said director shall from time to time otherwise by general or special orders determine, such systems of transportation shall remain subject to all existing statutes and orders of the Interstate Commerce Commission and to all statutes and orders of regulating commissions of the various States in which said systems or any part thereof may be situated. But any orders, general or special, hereafter made by said director shall have paramount authority and be obeyed as such.

This is a declaration upon the part of the President that during the time the railroads of the United States shall be in his possession in behalf of the Government all statutes of the United States, all orders of the Interstate Commerce Commission, and all statutes of the various States and orders of State commissions relating to railroads may be suspended by him, acting through the Director General whom he has appointed. I confidently assert that no such power has been delegated to him and none can exist unless expressly delegated by Congress. If this power does exist the Interstate Commerce Commission may be deprived of all of its functions by the Director General except the drawing of their salaries. The safety appliance acts, the boiler-inspection act, the hours-of-service act, the eight-hour law, the statutes providing for reasonable rates and prohibiting discrimination, all can be suspended if the Director General shall so order.

I do not now propose to discuss whether such a power should be delegated to the President, but only the question of whether it has been delegated. The power exercised by the President in taking over the railroads is declared in the proclamation to be founded upon the acts of Congress declaring a state of war to exist between the United States and the Imperial German Government and the Imperial and Royal Austro-Hungarian Government, and by section 1 of the act approved August 29, 1916, entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1917, and for other purposes." The last-named act, so far as it relates to this subject, reads as follows:

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same to the exclusion, as far as may be necessary, of all other traffic thereon for the transfer or transportation of troops, war material, and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

The power conferred by this act is plainly stated. It is to take possession and assume control of the railroads and utilize the same to the exclusion, so far as may be necessary, of all other traffic thereon for the purposes named. There is no language in this act from which any implication can be drawn that the President is given power to set aside or suspend any existing statutes relating to railroads. I think I am safe in asserting that when this act was passed no Member of Congress ever dreamed that under it a power to set aside the laws enacted by Congress would be asserted. While there are certain statutes affecting railroads that will not affect them while in possession of the Government, it is not because of any power of the President to suspend them, but only because under the now existing conditions they are no longer applicable. A most important illustration of this is the statute against pooling. This statute

can not be set aside or suspended, but it will have no applicability so long as the railroads are in the possession of the United States, for while they are in this condition there is for practical purposes but one single control expressly authorized by Congress and therefore there can be no diversified interests to be pooled. Exactly the same situation would arise if Congress should authorize one single Federal corporation to take over all of the railroads of the United States, and that corporation did so. The statutes of the United States in that case against pooling would not apply to the business of that corporation, for there would be no competition and no other railroad with which a pooling agreement might be made. Therefore, as in the present case, while the antipooling statute would remain it would not apply; but the statutes of the United States providing for the safety of the public and railway employees, the prevention of unjust and discriminatory rates, and delegating to a tribunal of the United States the power and duty of enforcing these statutes, still stand with full force and effect.

Although I do not know upon what particular ground this power is asserted, I assume that it may be based upon the general principle that the sovereign authority is not bound by the general words of a statute unless expressly named therein, and that it may be argued upon this principle that the various statutes of the United States relating to railroads, inasmuch as they do not expressly name the United States being bound by them, if it should own or control a railroad, that the United States is not bound. But while the doctrine is sometimes stated in as broad language as I have just put it, it is subject to very important qualifications, and these qualifications clearly take the present case out of the principle. The correct rule is that where general words in a statute would, if the sovereign was included, divest it of any prerogative, right, title, or interest which it theretofore had, then, and in that case, the sovereign will not be deemed to be included in the general words, but where general words are used in a statute the purpose and object of which is to promote the public welfare and prevent injury and wrong, then and in that case the sovereign authority is deemed to be included in such general words without being expressly named therein. If then I have stated the correct rule, it is plain that the statutes that I have specifically named were enacted to promote the public welfare and prevent injury and wrong and that they are in full force and effect against the United States in the operation of railroads and as completely as when the railroads were under private operation. That the correct rule is as I have just stated it has been held by the Supreme Court of the United States in numerous cases. In the case of the United States v. Knight (14 Pet., 301), the construction of an act of Congress was under consideration, and the question was whether such act applied to the United States. The language of the act, so far as it pertains to this question, was as follows:

And be it further enacted, That writs of execution and other final process, issued on judgments and decrees rendered in any of the courts of the United States, and the proceedings thereupon shall be the same except their style in each State as are now used in the courts of such State.

With a provision—

That it shall be in the power of the courts if they see fit in their discretion, by rules of court, so far to alter final process in said courts as to conform the same to any change which may be adopted by the legislatures of the respective States for the State courts.

The court said:

It is first objected that whatsoever may be the construction of this section, as now governing executions in case of other parties, yet it does not embrace those issued on judgments rendered in favor of the United States; and this upon the ground that the United States are never to be considered as embraced in any statute, unless expressly named.

The words of this section being, "that writs of execution and other final process, issued on judgments and decrees rendered in any of the courts of the United States," it is obvious that the language is sufficiently comprehensive to embrace them, unless they are to be excluded by a construction founded upon the principle just stated. In Bacon's Abridgment (title "Prerogative," 3-5), it is said that the general rule is that where an act of Parliament is made for the public good, the advancement of religion and justice, and to prevent injury and wrong, the King shall be bound by such act, though not particularly named therein. But where a statute is general, and thereby any prerogative, right, title, or interest is divested, or taken from the King, in such case he shall not be bound; unless the statute is made by express words to extend to him. It is a settled principle that the King is not, ordinarily, barred, unless named by an act of limitations. The principle expressed in the maxim *nullum tempus occurrit regi* rests upon the ground that no laches shall be imputed to him. The doctrine that the Government should not, unless named, be bound by an act of limitations is in accordance with that just cited from Bacon, because if bound it would be barred of a right; and in all such cases is not to be construed to be embraced unless named, or, what would be equivalent, unless the language is such as to show clearly that such was the intent of the act. The same principle has been decided in New York, Pennsylvania, Massachusetts, and no doubt in other States; and all upon the same ground. Not upon any notion of prerogative, for even in England, where the doctrine is stated under the head of prerogative, this in effect means nothing more than that this exception is made from the statute for the

public good, and the King represents the nation. The real ground is a great principle of public policy, which belongs alike to all governments, that the public interests should not be prejudiced by the negligence of public officers, to whose care they are confided. Without undertaking to lay down any general rule as applicable to cases of this kind we feel satisfied that when, as in this case, a statute which proposes only to regulate the mode of proceeding in suits, does not divest the public of any right, does not violate any principle of public policy; but, on the contrary, makes provisions in accordance with the policy which the Government has indicated by many acts of previous legislation, to conform to State laws, to giving to persons imprisoned under their execution the privilege of jail limits; we shall best carry into effect the legislative intent by construing the executions at the suit of the United States to be embraced within the act of 1828.

Now, while this is very technical, the case that I have now cited and read, and quoted from the opinion of, is clearly upon all fours with the discussion that I am discussing. There was a statute in general language. The question there was whether the United States was included within the general language of the statute, just as we have here the question whether the United States is included in the general language of the interstate-commerce law.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. LENROOT. I yield to the gentleman.

Mr. GREEN of Iowa. I quite agree with the views which the gentleman has forcibly and clearly expressed, and my understanding is that there are many other lawyers who also agree. This was clearly intimated by Senator CUMMINS the other day in the hearings before the joint committee, when he inquired of one of the members of the Interstate Commerce Commission what would be left of the laws and the Constitution under the President's order. My understanding is that the commissioner was somewhat at a loss for a reply.

Mr. WALSH. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. WALSH. The gentleman has made a very careful study of this question, but I want to ask him if it is his opinion that in a case where the Commander in Chief was engaged in the movement of our troops he would be bound by the provisions, for instance, of the eight-hour law, and that the progress of the troops while being moved would have to be interfered with because he was bound to observe the eight-hour law as a safety-appliance act.

Mr. LENROOT. I am very frank to say to the gentleman that that presents a different question, and one which I do not propose to discuss to-day; but there is a distinction between the control and the operation of the railroad in carrying out the purely military purposes of the Government and the carrying on of the ordinary functions of the railroads, so far as private shippers are concerned.

Mr. REAVIS. Will the gentleman yield?

Mr. LENROOT. Yes.

Mr. REAVIS. Was not that distinction made in the act under which the President is now acting?

Mr. LENROOT. It certainly is expressly stated that the President may use the same for these military purposes, to the exclusion of all other business.

But, going on with my legal argument—because this is merely a legal argument—this same doctrine was approved in the case of *United States v. Herron* (20 Wal., 251). In this case, however, unlike the *Knigh* case, if the United States had been deemed to be included in the general language, it would have divested it of one of its prerogatives, and there was nothing in the case to bring it within the qualifications of a statute whose object was to promote the public welfare and prevent injury and wrong, but in this case the correct doctrine is stated by the court as follows:

It is a maxim of the common law—

Said Savage, chief justice—

that when an act of Parliament is passed for the public good, as for the advancement of religion and justice, or to prevent injury and wrong, the King shall be bound by such act, though not named, but when a statute is general and any prerogative, right, or interest would be divested or taken from the King, in such a case he shall not be bound unless the statute is made by express words to extend to him, for which he cites both English and American authorities, and adds that the people of the State, being sovereign, have succeeded to the rights of the former sovereign, and that the people of the State are not bound by the general words in the insolvent law. (*People v. Herkimer*, 4 Cow, 348; see also *Com. v. Hutchinson*, 10 Pa., 466, which is to the same effect; *Hilliard Bank* (2d ed., 295).)

Sanctioned as that principle is by two express decisions of this court, it would seem that further discussion of it is unnecessary, as it has never been questioned by any well-considered case, State or Federal, and is founded in the presumption that the legislature, if they intended to divest the sovereign power of any right, privilege, title, or interest, would say so in express words; and where the act contains no words to express such an intent, that it will be presumed that the intent does not exist. (*U. S. v. Knight*, 14 Pet., 315; *Bk. v. U. S.*, decided at the present term (ante), 80; *U. S. v. Hoar*, 2 Mass., 311; *Com. v. Baldwin*, 1 Watts, 54.)

Every State court, so far as I can find, that has had occasion to consider this subject has laid down the same doctrine, that

any statute whose object is to promote the public welfare and prevent injury and wrong binds the sovereign as well as the people, even though not expressly named, and it is only statutes where the sovereign, if included, would be divested of some prerogative, right, title, or interest, that it must be expressly named. It is true that in some of the cases there is general language stating the general rule without qualifications, but in all such cases the facts making the qualification were not present. Such a case is that of the *Guaranty Title & Trust Co.* against *The Title, Guaranty & Surety Co.*, Two hundred and twenty-fourth United States, 151, but it is to be observed that in this case the decision in *United States* against *Herron*, which I have just quoted, was approved, and in this case the sole question was that of whether the United States, as a creditor, was bound by certain provisions of the bankruptcy law. The court very properly held that "the general language in the statute did not include the United States." To have included it would have divested it of a prerogative and right that it theretofore had.

It seems entirely clear, then, that, so far as the act of Congress of August 29, 1916, is concerned, empowering the President to take over the railroads, no power has been delegated to him by that act to set aside or suspend any of the statutes of the United States such as I have specifically named and others whose object is to safeguard the public welfare and prevent injury and wrong. The United States is as much bound by the provisions of these statutes as the railroads were when in the possession of private owners.

One other question then presents itself and that is whether the powers delegated to the President by Congress in the declaration of war against Germany and Austria conferred any power to set aside or suspend the statutes in question. I think that it can be completely demonstrated that they do not. The power delegated to the President in these declarations is in the following language:

And that the President be, and he is hereby, authorized and directed to employ the entire naval and military forces of the United States and the resources of the Government to carry on war against the Imperial German Government.

It may be claimed that the power to employ the resources of the Government to carry on the war carries with it the power to suspend the statutes of the United States if he shall deem it necessary to carry on the war. No such power can be implied from the language used. It seems to me entirely clear that the proper construction of this language is that the President is authorized and directed to employ the resources of the Government to carry on the war, but not in violation of any existing law. Assume for the purpose of argument that the railroads of the United States when taken possession of by the United States become resources of the United States, the President can no more use them in violation of existing law than any other resource of the United States in violation of existing law. To illustrate: Congress prior to the declaration of war passed most of the annual appropriation bills, appropriating more than \$1,000,000,000 for various purposes. The amount of money in the Treasury necessary to meet these appropriations is a resource of the United States, but a resource which Congress by law has decreed should be used for certain specific purposes. Will anyone claim that the delegation of power to the President to employ the resources of the United States to carry on the war authorizes him to nullify and set aside as he might see fit the annual appropriation laws enacted by Congress?

Mr. SINNOTT. I have not heard all of the gentleman's remarks. Has he referred to the statute which the President has suspended?

Mr. LENROOT. He has not suspended any. He has merely asserted the power to suspend, the right to suspend, and the priority of any orders issued by the Director General of Railroads over any statute relating to railroads, and has directed that they be obeyed as such.

Again, the public lands of the United States containing coal and oil are, of course, resources of the Government. We have laws providing for their disposition. Public lands containing coal under these laws can not be sold for less than their appraised value. Would it be claimed that under the power to use the resources of the Government to prosecute the war the President could set aside or suspend these laws and sell all the coal lands of the United States for any price that he chose? No one, of course, would make any such claim, and it is therefore easily demonstrated that under the power to use the resources of the Government he could only use them in accordance with existing law, and this principle applies to railroads as well as coal lands. Upon mature reflection it seems to me that no one can claim that the power to employ the resources of the Government to carry on the war carries with it a power to set aside or suspend any of the laws of the United States.

Mr. CANTRILL. Mr. Speaker, will the gentleman permit a question?

Mr. LENROOT. Certainly.

Mr. CANTRILL. As I understand the gentleman, he makes some objection to the method of the President. The gentleman's time is about to expire, so I wish to ask him—the gentleman favors, of course, the complete Federal control of railroads?

Mr. LENROOT. Yes; and I favor the President's action in taking over the railroads.

Mr. CANTRILL. That is what I wanted to know.

Mr. LENROOT. I am simply discussing the question of method.

Mr. CANTRILL. But you are not opposed to it?

Mr. LENROOT. Oh, not at all. I am just coming to that.

Mr. CANTRILL. The gentleman knows, of course, that his party is committed to complete Federal control of railroads?

Mr. LENROOT. Oh, well, I will not discuss that with the gentleman. Whether or not the President should have the power to suspend any of these statutes in order to more efficiently carry on railroad transportation is a matter that should be settled by Congress, and it should act only upon complete information as to the necessity of delegating such power. The Interstate Commerce Commission is a tribunal created by Congress for the enforcement of these statutes. The functions now exercised by them should continue to be so exercised until it is clearly shown that the public interest and the successful prosecution of the war demands that the Director General of Railroads should be clothed with these great powers. It is no answer to say that the Director General will not abuse the power that is claimed for him. Congress is the direct representative of the people, and any powers not directly vested in the executive officers of the Government by the Constitution necessary to win this war should come from Congress. Congress has freely granted all necessary powers in this regard in the past that have been asked for by the administration. Congress will continue to do so in the future, but the assertion of a power to set aside or suspend the statutes of the United States by the executive department of this Government without lawful authority so to do should challenge the serious consideration of Congress and of the country.

I sincerely hope that the executive department of the Government, upon reflection, will not assert any of the powers it has claimed in this matter, and that if further power is needed it will secure it in a lawful way by coming to Congress for it. [Applause.]

SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 3223. An act providing for the continuance of the Osage Indian School, Oklahoma, for a period of 13 years from January 1, 1918; to the Committee on Indian Affairs.

S. 2052. An act authorizing the Sioux Tribe of Indians to submit claims to the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret and profound sorrow of the death of Hon. JAMES H. BRADY, late a Senator from the State of Idaho.

Resolved, That a committee of 10 Senators be appointed by the Vice President to take order for superintending the funeral of the late Senator.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

Resolved, That as a further mark of respect to the memory of the deceased Senator the Senate do now adjourn.

And that in compliance with the foregoing resolution the Vice President had appointed Mr. BORAH, Mr. GALLINGER, Mr. SMOOT, Mr. HARDING, Mr. WARREN, Mr. CHAMBERLAIN, Mr. THOMAS, Mr. KING, Mr. FLETCHER, and Mr. BECKHAM as said committee.

DEATH OF SENATOR BRADY.

Mr. SMITH of Idaho. Mr. Speaker, it becomes my sorrowful duty to announce the death of Hon. JAMES H. BRADY, the junior Senator from Idaho, who passed away at his home in this city last evening after an illness of one week. Senator BRADY was held in affectionate regard by the Members of the Senate and by those in this body who enjoyed an acquaintance with him, many of whom will desire to bear witness to his patriotic devotion to his country and his wise and intelligent counsel in legislative affairs; but this is not an appropriate time to eulogize his splendid life and accomplishments.

The House will be requested at a later date to suspend temporarily its business in order that well-deserved tributes may be paid to his high character and distinguished public service.

I offer the following resolution.

The SPEAKER pro tempore (Mr. PARK). The gentleman from Idaho offers a resolution which the Clerk will report.

The Clerk read as follows:

House resolution 223.

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES H. BRADY, a Senator of the United States from the State of Idaho.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased Senator.

Resolved, That a committee of 15 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

Resolved, That as a further mark of respect the House now adjourn.

The resolutions were agreed to, and the Speaker appointed as the committee on the part of the House Mr. DILL, Mr. FRENCH, Mr. SMITH of Idaho, Mr. DILLON, Mr. HILLIARD, Mr. EVANS, Mr. GANDY, Mr. MAYS, Mr. ROBERTS, Mr. ROMJUE, Mr. WALSH, Mr. AUSTIN, Mr. BENJAMIN L. FAIRCHILD, Mr. RAKER, and Mr. McARTHUR.

In accordance with the resolution, the House (at 12 o'clock and 45 minutes p. m.) adjourned until Tuesday, January 15, 1918, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting copy of a communication from the United States Food Administrator submitting a supplemental estimate of appropriation in the sum of \$10,000,000 required for the fiscal year 1919 (H. Doc. No. 786); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting a proposed draft of an act to amend section 2 of the act of February 5, 1915 (38 Stat., 805) (H. Doc. No. 787); to the Committee on Foreign Affairs and ordered to be printed.

3. A letter from the Secretary of Agriculture, transmitting annual report of expenditures for the fiscal year ended June 30, 1917 (H. Doc. No. 788); to the Committee on Expenditures in the Post Office Department and ordered to be printed.

4. A letter from the Secretary of the Interior, transmitting two statements, one covering "sale of surplus and obsolete material and equipment during the year ended June 30, 1917," and the other "collections from town-site assessments to June 30, 1917" (H. Doc. No. 789); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation "Contingencies of the Army" during the fiscal year ended June 30, 1917 (H. Doc. No. 790); to the Committee on Expenditures in the War Department and ordered to be printed.

6. A letter from the Secretary of War, transmitting report of expenditures on account of appropriation for contingent expenses of the War Department during the fiscal year ended June 30, 1917 (H. Doc. No. 791); to the Committee on Expenditures in the War Department and ordered to be printed.

7. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of State submitting supplemental estimate of appropriations required by the State Department for expenses of the Diplomatic and Consular Service for the fiscal year 1919 (H. Doc. No. 792); to the Committee on Foreign Affairs and ordered to be printed.

8. A letter from the president of the Chesapeake & Potomac Telephone Co. transmitting report of the Chesapeake & Potomac Telephone Co. for the year 1917 (H. Doc. No. 793); to the Committee on the District of Columbia and ordered to be printed.

9. A letter from the vice president of the Georgetown Barge, Dock, Elevator & Railroad Co., transmitting report of the Georgetown Barge, Dock, Elevator & Railroad Co. for the year ending December 31, 1917 (H. Doc. No. 794); to the Committee on the District of Columbia and ordered to be printed.

10. A letter from the president of the United States Civil Service Commission, transmitting certain schedules of useless papers in the office of the secretaries of the fourth, eleventh, and twelfth civil-service districts, and in the office of the labor board at the Norfolk (Va.) Navy Yard, which are not needed in the transaction of public business and are of no permanent value or historical interest (H. Doc. No. 795); to the Committee on Disposition of Useless Executive Papers and ordered to be printed.

11. A letter from the Secretary of the Treasury, transmitting copy of a communication from the chairman of the United

States Shipping Board submitting a supplemental estimate of appropriation required by the United States Shipping Board for the construction of ships, fiscal year 1919 (H. Doc. No. 796); to the Committee on Appropriations and ordered to be printed.

12. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriations required by the War Department for the fiscal year 1918 (H. Doc. No. 797); to the Committee on Appropriations and ordered to be printed.

13. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a proposed paragraph of legislation for inclusion in the urgent deficiency bill (H. Doc. No. 798); to the Committee on Appropriations and ordered to be printed.

14. A letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting supplemental estimates of appropriations required by the War Department for fortifications, etc., Panama Canal (H. Doc. No. 799); to the Committee on Appropriations and ordered to be printed.

15. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriations required by the United States Geological Survey for "Examination and classification of lands for homesteads," fiscal year 1918 (H. Doc. No. 800); to the Committee on Appropriations and ordered to be printed.

16. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Navy submitting a supplemental estimate of appropriation required by the Navy Department for rent of building, fiscal year 1919 (H. Doc. No. 801); to the Committee on Appropriations and ordered to be printed.

17. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of War submitting a supplemental estimate of appropriation required by the War Department for increase in salaries of certain employees of the Army War College for the fiscal year 1919 (H. Doc. No. 802); to the Committee on Military Affairs and ordered to be printed.

18. Letter from the Secretary of the Treasury, transmitting copy of communication from the chairman of the United States Shipping Board submitting a proposed change in the wording of the estimates of appropriations for acquisition of plants suitable for shipbuilding, etc., for the fiscal year 1919 (H. Doc. No. 803); to the Committee on Appropriations and ordered to be printed.

19. Letter from the Secretary of the Treasury, transmitting copy of a communication from the Secretary of the Interior submitting a supplemental estimate of appropriation required by the Reclamation Service for secondary projects, cooperative and other miscellaneous investigations, for the fiscal year 1919 (H. Doc. No. 804); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. NOLAN, from the Committee on Labor, to which was referred the bill (H. R. 152) to fix the compensation of certain employees of the United States, reported the same without amendment, accompanied by a report (No. 239), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (H. R. 8696), making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, reported the same without amendment, accompanied by a report (No. 240), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MAPES: A bill (H. R. 8695) to increase pensions of certain soldiers and sailors of the Civil War; to the Committee on Invalid Pensions.

By Mr. CARTER of Oklahoma: A bill (H. R. 8696) making appropriation for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919; to the Committee of the Whole House on the state of the Union.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 8697) granting an increase of pension to John H. Day; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8698) granting an increase of pension to James H. Kiste; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8699) granting a pension to Sarah A. Trauger; to the Committee on Invalid Pensions.

By Mr. GEORGE W. FAIRCHILD: A bill (H. R. 8700) granting an increase of pension to Hezekiah Smith; to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 8701) granting a pension to Corwin W. Holibaugh; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 8702) increasing the pay of compositors and pressmen employed in the Government Printing Office, and for other purposes; to the Committee on Printing.

By Mr. JACOWAY: A bill (H. R. 8703) for the relief of the heirs of N. N. Barmore, deceased; to the Committee on War Claims.

Also, a bill (H. R. 8704) for the relief of James A. Frey; to the Committee on Claims.

By Mr. McKEOWN: A bill (H. R. 8705) granting an increase of pension to A. J. Davis; to the Committee on Invalid Pensions.

By Mr. McCULLOCH: A bill (H. R. 8706) granting an increase of pension to George Byers; to the Committee on Invalid Pensions.

By Mr. MAPES: A bill (H. R. 8707) for the relief of William W. Hawley; to the Committee on Military Affairs.

Also, a bill (H. R. 8708) granting a pension to Robert E. McCormick; to the Committee on Pensions.

By Mr. RANDALL: A bill (H. R. 8709) to reimburse the California Shipbuilding Co. for its expenditures over the price named in the contract for the United States lighthouse tender *Cedar*; to the Committee on Claims.

By Mr. SCHALL: A bill (H. R. 8710) granting an increase of pension to Henry Kolp; to the Committee on Pensions.

By Mr. SELLS: A bill (H. R. 8711) granting pension to James B. Shannon; to the Committee on Pensions.

By Mr. WELTY: A bill (H. R. 8712) for the relief of George R. Gary; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CLARK of Pennsylvania: Petition of Turner W. Shacklett, postmaster; Hon. Miles B. Kitts, mayor; Frank Nagorski, councilman; Theo. Eichhorn, councilman; Thomas Mehaffey, councilman; W. D. Kinney, councilman; S. L. Gilson, councilman; Hon. U. P. Rossiter, presiding judge; Hon. E. L. Whittelsey, additional judge; Joseph Leslie, controller; Joseph Rogan, commissioner; T. W. Waterhouse, commissioner; Joseph Williams, commissioner's clerk; R. H. Howell, register and recorder; J. B. Yard, prothonotary; H. G. Brevillier, prothonotary's clerk; F. H. Watson, county detective; W. C. Kramer, commissioner; and G. W. Fowler, food commissioner, all citizens of Erie, Pa., praying for enactment of immediate legislation for preservation of commodore Perry's flag ship *Niagara*, in the Battle of Lake Erie; to the Committee on Naval Affairs.

Also, petition of F. H. Houghton, George W. Lunger, E. J. Hallock, S. D. Warner, and 42 others, citizens of Erie, Pa., praying for the enactment of immediate legislation for the preservation of Commodore Perry's flag ship *Niagara*, in the Battle of Lake Erie; to the Committee on Naval Affairs.

By Mr. DALE of New York: Petition of the Chamber of Commerce of Topeka, Kans., and Tufts College Publishing Association of Massachusetts, against increased rates on second-class mail; to the Committee on Ways and Means.

By Mr. DUPRE: Memorial of Local No. 22, Federal Employees' Union, favoring passage of the Nolan minimum wage bill; to the Committee on Labor.

Also, petition of the Federal Employees Union, favoring bill for retirement of all civil-service employees who are superannuated; to the Committee on Reform in the Civil Service.

By Mr. FULLER of Illinois: Memorial of the American Pharmaceutical Association, favoring House bill 5531, to increase the efficiency of the Medical Department of the Army, etc.; to the Committee on Military Affairs.

Also, petition of the Supreme Lodge, Order of Mutual Protection, favoring the Chamberlain bill for universal military training; to the Committee on Military Affairs.

Also, memorial of the Military Order of Foreign Wars of the United States, favoring amendment to the selective-service law by requiring registration of all men from 19 to 31 years of age; to the Committee on Military Affairs.

Also, memorial of the Topeka Chamber of Commerce, favoring repeal of the second-class postage provision of the revenue bill; to the Committee on Ways and Means.

By Mr. VARE: Memorial of the city council of Philadelphia, Pa., against abolition of pneumatic mail tubes in Philadelphia; to the Committee on the Post Office and Post Roads.

Also, memorial of the Federal Employees Union, No 23, customs service, Philadelphia, favoring passage of the Keating and Nolan bills; to the Committee on Appropriations.

SENATE.

TUESDAY, January 15, 1918.

The Senate met at 10 o'clock a. m.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, give unto us grace to meet the solemn responsibilities of this day, and when we come to its close may we cease with the comforting satisfaction of having accomplished God's will and of having filled up the measure of the day with the largest possible amount of usefulness on the part of every one of us. Guide us by Thine own unerring counsel into the larger life. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

THE SHIPPING SITUATION.

Mr. McCUMBER. Mr. President, I wish to give notice that to-morrow morning immediately after the close of the routine morning business I shall ask permission of the Senate to submit some remarks concerning the shipping situation of the world to-day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by G. F. Turner, one of its clerks, transmitted to the Senate resolutions on the death of Hon. JAMES H. BRADY, late a Senator from the State of Idaho.

SURPLUS AND OBSOLETE MATERIAL (H. DOC. NO. 789).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, statements covering the sale of surplus and obsolete material and equipment during the year ended June 30, 1917, and collections from town site assessments to June 30, 1917, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

SCHOOLS IN ALASKA.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, a statement relative to the transfers of moneys from "The proceeds of town sites for schools and other improvements, Alaska," and "Construction and operation of railroads in Alaska," which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CONSTRUCTION OF ROADS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, the annual report of expenditures for the fiscal year 1917, out of the funds appropriated for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, together with a report of the expenditures for the construction of rural post roads under the Federal aid road act, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

FOOD PRODUCTS (H. DOC. NO. 785).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a detailed report of the expenditure of all moneys from the period from August 10 to November 15, 1917, appropriated under the act "to provide for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

LIST OF CLAIMS (S. DOC. NO. 162).

The VICE PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting, pursuant to the order of the court, a list of cases referred

to the Court of Claims by the United States Senate under the act of March 3, 1887, commonly known as the Tucker Act, and dismissed by the court November 12, 1917, on motion of the defendants, etc., which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

GEORGETOWN BARGE, DOCK, ELEVATOR & RAILWAY CO. (H. DOC. NO. 794).

The VICE PRESIDENT laid before the Senate the annual report of the Georgetown Barge, Dock, Elevator & Railway Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

CHESAPEAKE & POTOMAC TELEPHONE CO. (H. DOC. NO. 793).

The VICE PRESIDENT laid before the Senate the annual report of the Chesapeake & Potomac Telephone Co. for the year ended December 31, 1917, which was referred to the Committee on the District of Columbia and ordered to be printed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	James	Norris	Smith, Ga.
Calder	Johnson, S. Dak.	Overman	Smith, Md.
Chamberlain	Jones, Wash.	Ransdell	Smoot
Fernald	Kenyon	Robinson	Swanson
Fletcher	Kirby	Saulsbury	Townsend
France	Knox	Shafroth	Trammell
Gronna	McCumber	Sheppard	Vardaman
Hale	McNary	Shields	Wadsworth
Harding	Nelson	Smith, Ariz.	

Mr. SHEPPARD. I desire to announce that the Senator from Illinois [Mr. LEWIS], the Senator from Rhode Island [Mr. GERRY], the Senator from California [Mr. PHELAN], and the Senator from Kansas [Mr. THOMPSON] are detained on important public business.

Mr. JAMES. I wish to announce that my colleague [Mr. BECKHAM] is absent on official business.

Mr. RANSDELL. I desire to announce the continued absence of my colleague [Mr. BROUSSARD] on account of illness.

Mr. TOWNSEND. I wish to announce the absence of my colleague [Mr. SMITH of Michigan], who reports that he is storm bound on his way to Washington. This announcement may stand for the day.

The VICE PRESIDENT. Thirty-five Senators have answered to the roll call. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. JOHNSON of California answered to his name when called.

The VICE PRESIDENT. Thirty-six Senators have answered to the roll call. There is not a quorum present.

Mr. SMOOT. I desire to announce that the Senator from New Hampshire [Mr. GALLINGER] is unavoidably detained from the Senate and that the Senator from Kansas [Mr. CURTIS] is absent on official business.

Mr. UNDERWOOD, Mr. POINDEXTER, and Mr. COLT entered the Chamber and answered to their names.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The VICE PRESIDENT. The Sergeant at Arms will carry out the instructions of the Senate.

Mr. REED, Mr. MARTIN, Mr. McKELLAR, Mr. NEW, Mr. WEEKS, Mr. PITTMAN, Mr. CUMMINS, Mr. KELLOGG, Mr. SMITH of South Carolina, and Mr. POMERENE entered the Chamber and answered to their names.

The VICE PRESIDENT. Forty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMOOT. Mr. President, I move that further proceedings under the call be dispensed with.

The motion was agreed to.

PETITIONS.

Mr. TOWNSEND presented a petition of the Trades and Labor Council of Lansing, Mich., praying for the submission of a Federal suffrage amendment to the legislatures of the several States, which was ordered to lie on the table.

Mr. FERNALD presented resolutions adopted by the Maine Sportsmen's Fish and Game Protective Association, favoring the enactment of legislation relative to the proper protection of migratory birds, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. JOHNSON of South Dakota. I have two telegrams, one from C. M. Day, editor of the Argus, of Sioux Falls, S. Dak.,